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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KAREN GOLDBERG, CHANA GOLDBERG, ESTHER GOLDBERG, YITZHAK GOLDBERG, SHOSHANA GOLDBERG, ELIEZER GOLDBERG, YAAKOV MOSHE GOLDBERG, AND TZVI YEHOSHUA GOLDBERG,

Plaintiffs,

-against-

UBS AG,

Defendant.

CV 08 375

COMPLAINT
JURY TRIAL DEMANDED

SIFTON, J.
MATSUMOTO, M.J.

Plaintiffs Karen Goldberg, Chana Goldberg, Esther Goldberg, Yitzhak Goldberg, Shoshana Goldberg, Eliezer Goldberg, Yaakov Moshe Goldberg, and Tzvi Yehoshua Goldberg, by their attorneys, allege the following upon information and belief:

NATURE OF THE ACTION

1. This is a complaint for damages arising out of the conduct of defendant UBS AG ("UBS"). Defendant is a financial institution incorporated and headquartered in Switzerland that has knowingly provided financial services and collected and transmitted funds for the benefit of HAMAS,[1] a Foreign Terrorist Organization ("FTO") (as that term is defined in 8 U.S.C. § 1189 of the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA")), and thereby substantially assisted in the commission of acts of international terrorism as defined by 18 U.S.C. § 2331. By its actions, UBS aided and abetted the commission of acts of international terrorism that injured the Plaintiffs, and violated the criminal prohibitions on providing material support for acts of international terrorism set forth in the Antiterrorism Act ("ATA") as amended by the

[1] HAMAS is an acronym for "Harakat al-Muqawama al-Islamiyya" also known as the "Islamic Resistance Movement."

AEDPA (*see e.g.*, 18 U.S.C. §§ 2339B and 2339C). UBS is civilly liable under § 2333(a) of the ATA to the Plaintiffs, each of who was injured in their person by reason of an act of international terrorism perpetrated by HAMAS.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this action pursuant to 18 U.S.C. §§ 2333 and 2334, as a civil action brought by citizens of the United States, their estates, survivors, and heirs who were killed or injured by reason of acts of international terrorism.

3. Venue is proper in this district pursuant to 18 U.S.C. § 2334(a) and 28 U.S.C. § 1391(d).

4. UBS is also subject to personal jurisdiction in the United States pursuant to Fed. R. Civ. P. 4(k) because, among other things, it continuously and systematically does business in the United States.

THE PARTIES

A. The Plaintiffs

THE BOMBING OF BUS NUMBER 19: JANUARY 29, 2004

5. On January 29, 2004 Ali Ju'ara, a resident of the Aida refugee camp on the outskirts of Bethlehem, blew himself up on a Jerusalem bus, killing 11 people and wounding 50 others (the "Bus 19 Attack").

6. Both HAMAS and another FTO, the Al Aqsa Martyrs' Brigades, claimed responsibility for the Bus 19 Attack.

7. Stuart Scott Goldberg, 41, a Canadian citizen, was killed in the Bus 19 Attack. He is survived by his wife Karen Goldberg, and their seven children Chana Goldberg, Esther

Goldberg, Yitzchak Goldberg, Shoshana Goldberg, Eliezer Goldberg, Yaakov Moshe Goldberg and Tzvi Yehoshua Goldberg (referred to herein collectively as "the Goldberg Children Plaintiffs"). Mr. Goldberg was a therapist who specialized in helping teens at risk and their families. He also wrote a column in *The Jewish Press* called Lifeline.

8. Plaintiff Karen Goldberg is a citizen of the United States and citizen and resident of the State of Israel. She was Stuart Scott Goldberg's wife. As a result of her husband's death she has lost material services, affection, companionship, consortium and the customary amenities of married life. As a result of the attack, she has suffered severe mental anguish and extreme emotional distress.

9. The Goldberg Children Plaintiffs are all citizens of the United States and citizens and residents of the State of Israel.

10. As a result of the Bus 19 Attack and their father's murder, the Goldberg Children Plaintiffs have permanently lost the benefits of his companionship, comfort, protection, attention, advice and counsel for the balance of their lives. As a result of the attack, they have all suffered severe mental anguish and extreme emotional distress.

B. The Defendant

11. UBS is a Swiss corporation whose roots date back to the mid 1800s. UBS in its current form is the result of a merger in 1999 between Union Bank of Switzerland and Swiss Bank Corporation.

12. UBS's global headquarters are located in Basel and Zurich, Switzerland.

13. In addition to UBS maintaining a branch at 299 Park Avenue, New York, New York, UBS also maintains its U.S. corporate headquarters at 299 Park Avenue, New York, New, York.

14. UBS, through its investment banking division, has also maintained an office in Israel for many years. In 1997, UBS became a member of the Tel Aviv Stock Exchange. UBS's operations in Israel provide wealth management services to its clients.

FACTUAL ALLEGATIONS

Facts of the Attack

15. On January 29, 2004 Ali Ju'ara, a Palestinian policeman from the Aida refugee camp on the outskirts of Bethlehem, boarded Bus No. 19 ("Bus 19") in Jerusalem and seated himself at the back of the bus. Bus 19's usual route commences at Hadassah Hospital Ein Kerem, in the Ein Kerem neighborhood of Jerusalem, and thereafter travels through the center of Jerusalem to Hadassah Hospital and Hebrew University on Mount Scopus. On that day, January 29, shortly before 9 a.m. Israel time, Bus 19 reached the corner of Gaza and Arlozorov streets in Jerusalem. At that moment, Ali Ju'ara detonated the bomb he was carrying. The resulting explosion killed 11 people and wounded 50 others, including Stuart Scott Goldberg.

16. After the Bus 19 Attack, both HAMAS and the Al Aqsa Martyrs' Brigades claimed responsibility for the attack.

17. In 2004, the Israeli Military Court in Judea issued an indictment against Nufal Adawin. The indictment identifies Adawin as a HAMAS member, and charges Adawin for his role in connection with the January 29, 2004 Bus 19 Attack.

18. Specifically, count 27 of the Adawin indictment charges that Adawin recruited Ali Ju'ara on HAMAS's behalf for the purpose of arranging for Ju'ara to carry out a suicide bombing. Adawin planned the attack with Ali Ju'ara and Muhammad Nashash, another member of HAMAS. Adawin also helped prepare the bomb for the attack. Adawin was in the process of transporting Ali Ju'ara to carry out the attack when they had to turn back because of a roadblock.

19. Thereafter, Adawin advised Ali Ju'ara that he had been in contact with another Palestinian terrorist group, Tanzim-Fatah, in connection with carrying out the attack they planned. Adawin informed Ali Ju'ara that he intended to seek Tanzim-Fatah's assistance in order to carry out the attack.

20. After the attack, Adawin sent pictures and video he had previously taken of Ali Ju'ara to a TV station in Bethlehem. Adawin, on HAMAS's behalf, claimed responsibility for the Bus 19 Attack.

The Islamic Resistance Movement ("HAMAS")

A. The Founding of HAMAS

21. In December 1987, Sheik Ahmed Yassin formed the Palestinian Islamic Resistance Movement ("HAMAS") as an offshoot of the Muslim Brotherhood, a radical Islamic group founded in Egypt prior to World War II.

22. According to its charter, HAMAS and its operatives plan, assist, and conduct acts of international terrorism in Israel and the Gaza Strip, including the attack that injured the Plaintiffs.

B. Formal Designations of HAMAS as a Terrorist Organization

23. In 1989, the Government of Israel declared HAMAS a terrorist organization and also declared it an "unlawful organization" because of its terrorist acts. Notice of the designation was placed in the official Government of Israel publication, the *Announcements and Advertisements Gazette*.

24. Initially, HAMAS specialized in kidnapping and executing people suspected of cooperating with Israel. It quickly evolved and broadened its operations so that by the early 1990s, it specialized primarily in murdering civilians in Israel.

25. For example, on April 6, 1994, a HAMAS suicide bomber blew up a bus in Afula, killing eight (8) people.

26. On April 13, 1994, a HAMAS suicide bomber blew up a bus in Hadera, killing five (5) people.

27. On October 19, 1994, a HAMAS suicide bomber blew up a bus in Tel Aviv killing twenty-two (22) people.

28. On January 23, 1995, President Clinton issued Executive Order 12947. President Clinton found that "grave acts of violence committed by foreign terrorists that threaten to disrupt the Middle East peace process constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States."

29. Executive Order 12947 designated HAMAS a Specially Designated Terrorist ("SDT"). Executive Order 12947 blocked all property and interests in property of the terrorist organizations and persons designated in the Order, including HAMAS.

30. On February 25, 1996, a HAMAS suicide bomber blew up a bus in Jerusalem killing twenty-six (26) people, three (3) of whom were U.S. citizens, and injuring eighty (80) people, three (3) of whom were U.S. citizens. HAMAS claimed responsibility for the bombing.

31. On October 8, 1997, by publication in the Federal Register (62 F.R. 52650), the United States Secretary of State designated HAMAS an FTO pursuant to Section 219 of the Immigration and Nationality Act and the AEDPA. This designation has been renewed every two years since 1997.

32. After the September 11, 2001 terrorist attacks on the United States, President Bush issued Executive Order 13224, declaring a national emergency with respect to the "grave acts of terrorism ... and the continuing and immediate threat of further attacks on United States

nationals or the United States." Executive Order 13224 designated HAMAS a Specially Designated Global Terrorist ("SDGT"). Executive Order 13224 blocked all property and interests in property of the SDGTs, including HAMAS.

33. During 2002, a year in which more than 350 people were killed in terrorist attacks in Israel, at least 6 U.S. citizens were killed in attacks perpetrated by HAMAS.

C. HAMAS's Organizational Structure

34. HAMAS's terrorist operations depend upon its religious and social activities to recruit, educate and train terrorists and to collect material and aid. Its terrorist operations and social activities operate side-by-side and support each other.

35. The connection between the various functions of HAMAS is encapsulated by Sheikh Yassin's words quoted by *Reuters* on May 12, 1998: "We can not separate the wing from the body. If we do so, the body will not be able to fly. HAMAS is one body."[2]

1. The "Dawa"

36. HAMAS's infrastructure in the Palestinian Authority-controlled territory ("the PACT") is comprised of two interwoven components: its terrorist apparatus and its religious and social infrastructure, which is responsible for recruiting and training terrorists. This patchwork of charitable and social institutions is commonly referred to by HAMAS as the "Dawa."

37. For the purpose of raising funds for its operations, HAMAS has established "charity" committees across the PACT and abroad, including committees in Ramallah, Jenin, and Tulkarem that are controlled by HAMAS agents and collect and distribute their funds on behalf of HAMAS.[3]

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[2] http://www.ustreas.gov/offices/enforcement/key-issues/protecting/charities_execorder_13224-e.shtml#h

[3] There are approximately 80 such "charitable" committees in the West Bank and Gaza Strip nominally supervised by the Palestinian Authority's Ministry of Waqf and Religious Affairs.

38. At all relevant times, UBS was (and is) generally aware of HAMAS's structure and the connection between HAMAS and its "charity" committees.

39. The charity associations and committees channel funds to pay expenses and assist the families of terrorist operatives who are arrested, injured, or killed.

40. The charity associations also provide housing subsidies to the families of suicide bombers whose homes are often demolished by the Israeli army after the bomber's identity has been confirmed.

41. The network of these "charities" and other "charitable" associations not only helps raise funds for HAMAS's terrorist operations, but also helps it identify and recruit potential terrorists. The network assists recruitment, in part, by funneling money to pay benefits to the families of terrorist operatives who are arrested, injured, or killed.

42. HAMAS, like other foreign terrorist organizations, collects funds under the guise of political or humanitarian activities. This fundraising ultimately supports the kind of terrorist activities that injured the Plaintiffs herein.

2. Terrorism Financing

43. Funds raised by or on behalf of HAMAS for "charitable purposes" are used to finance its terrorist activities. As Congress found when passing the AEDPA: "Foreign organizations that engage in terrorist activity are so tainted by their criminal conduct that any contribution to such an organization facilitates that conduct." Antiterrorism Act of 1996, Pub. L. No. 104-132, sec. 301(a)(7), 110 Stat. 1247.

44. HAMAS receives a majority of its financing through donations coordinated by prominent Saudi and Gulf State charities and the global network of charities known as the Union of Good, operated by the Muslim Brotherhood. The Association de Secours Palestinien ("ASP")

and its parent organization Comité de Bienfaisance et de Secours aux Palestinians, a/k/a Comité Bienfaisance pour la Solidarite avec la Palestine, ("CBSP") are both members of the Union of Good. CBSP, and by extension ASP, is one of its most significant fund raising arms of HAMAS.

a. The Union of Good

45. I'Tilafu Al-Khayr a/k/a the Union of Good is an umbrella organization established by the Muslim Brotherhood in October 2000, immediately following the outbreak of the ongoing violent Palestinian-Israeli confrontation commonly termed the "Second Intifada."

46. The Union of Good is a principal fundraising mechanism for HAMAS.

47. The Union of Good's primary "charitable" purpose is to provide financial support for HAMAS and its agents in the PACT.

48. The Union of Good is comprised of more than fifty (50) Islamic charitable foundations worldwide. The U.S. Government has designated several of these foundations, including ASP and CBSP, as SDGTs.

49. For example, plaintiffs discovered that the Union of Good's "101 Days Campaign" maintains its own website at www.101days.org. The campaign solicits funds for HAMAS and directs prospective donors to donate via various Union of Good charities, including ASP.

50. The board of directors of the Union of Good includes three senior HAMAS figures: Sheikh Hamid al-Bitawi, Dr. Essam Salhoub, and Bassam Jarrar.

51. The Union of Good is headed by Dr. Yussuf al-Qaradawi, an extremist Sunni Muslim scholar based in Qatar, whose views and activities have been a matter of public record

for many years.[4]

52. Through his many public appearances and popular television program, al-Qaradawi has never concealed his views about the moral rectitude of murdering Jews and Israelis.

53. To take just one example, in the September 1999 edition of the *Palestine Times*, in an article entitled "Sheikh Yousuf al-Qaradawi: Hamas and the Islamic Jihad represent the glorious face of the Islamic Umma – Interview," al-Qaradawi blessed "the martyrdom operations in which a given Moslem fighter turns himself or herself into a human bomb that casts terror in the hearts of the enemy. ... If we can't carry out acts of *Jihad* [holy war] ourselves, we at least should support and prop up the Mujahideen [holy warriors] financially and morally so that they will be steadfast until God's victory."

54. In 2001, al-Qaradawi publicly described the activities of the Islamic charitable societies sustaining the Intifada against Israel as a "new type of *jihad*, financial *jihad*, through which financial support is guaranteed to the martyrs' families, Palestinian prisoners and detainees, and every Palestinian whose property is damaged during the conflict."

55. Al-Qaradawi is not an obscure figure. On the contrary, he has his own weekly television program on *Al Jazeera* and has publicly issued an Islamic religious edict (*fatwa*) authorizing suicide bombing attacks against Israel.[5]

56. In fact, on April 14, 2002, al-Qaradawi appeared on *Al Jazeera* extolling "jihad and martyrdom" against Israelis and denouncing the U.S. designation of HAMAS and other

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[4] Al-Qaradawi was the subject of massive publicity in Great Britain when he was invited to London by its mayor in July 2004, but his prominence long predates that event.

[5] Al-Qaradawi was also the first scholar who authorized women to commit suicide attacks (March 2002) in the context of the second Intifada, as cited in HAMAS's official website: http://www.palestine-info.info/arabic/fatawa/alamaliyat/qaradawi.htm.

terrorist organizations.

57. Upon information and belief, UBS is aware of Al-Qaradawi's support for terrorism, his connection to the Union of Good, and its relationship with UBS's client, ASP.

b. The Association de Secours Palestinien ("ASP")

1. ASP Generally

58. ASP is a non-governmental organization founded in 1994, whose headquarters are located in Basel, Switzerland.

59. ASP as described below is an SDGT affiliated with HAMAS, and is a subsidiary of CBSP, a non-profit corporation located in France which has similarly been designated an SDGT by the U.S. Government.

60. Khalid Muhammad Ahmad Al-Shuli, the current chairman and director of CBSP, is also ASP's chairman.

61. ASP is a member of the Union of Good and is part of HAMAS's fundraising infrastructure.

62. In January 2002, the Palestinian Authority froze wire transfers from Khalid Muhammad Ahmad Al-Shuli, Chairman of CBSP and ASP, to the well-known HAMAS front known as Al-Mujama al-Islami because of its connections to HAMAS. This "charity" was established by late Sheik Yassin, who, as noted above, is regarded as the spiritual leader of HAMAS.

2. ASP's Designation as an SGDT by the U.S. Government

63. On August 22, 2003, pursuant to Executive Order 13224, President Bush identified ASP as a HAMAS fundraising entity and placed it on the Office of Foreign Assets Control ("OFAC") list as an SDGT.

64. The President Bush's statement reads as follows:

> At my direction, the Treasury Department has moved today to block and freeze the assets of six top HAMAS leaders and five non-governmental organizations that I am advised provide financial support to HAMAS. By claiming responsibility for the despicable act of terror on August 19, HAMAS has reaffirmed that it is a terrorist organization committed to violence against Israelis and to undermining progress toward peace between Israel and the Palestinian people.

65. The fact sheet that accompanied the Treasury Department's press release in which ASP was designated an SDGT stated "CBSP and ASP are primary fundraisers for HAMAS in France and Switzerland, respectively. ... ASP, a subsidiary of CBSP, was founded in Switzerland in 1994. The group has collected large amounts of money from mosques and Islamic centers, which it then transfers to sub-organizations of HAMAS. Khalid Al-Shuli is the president of CBSP and ASP."

66. Accordingly, both President Bush's statement, and the Treasury's Department's press release, publicly linked ASP's activities (together with those other fundraising organizations designated that day as SDGTs) with attacks carried out by HAMAS. As alleged above, the bombing that injured the Plaintiffs is attributable to HAMAS.

67. Pursuant to that designation, OFAC issued a "Blocking Notice," freezing all of ASP's funds, accounts and real property. All transactions involving property in which ASP had any interest were prohibited without specific authorization from OFAC.

68. David Aufhauser,[6] who previously served as General Counsel for the U.S. Treasury Department, stated in written testimony before the Financial Services Committee Subcommittee on Oversight and Investigations on September 24, 2003:

> We have also taken action against HAMAS outside of the United States. On August 22nd, we announced the freezing of four European-based HAMAS

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6 David Aufhauser currently serves as UBS's Global General Counsel for investment banking, a position he has held since 2004 when he left his position as General Counsel to the U.S. Treasury Department.

> fundraisers and one HAMAS fundraiser based in Lebanon: the Comite de Bienfaisance et de Secours aux Palestinians (CBSP), the Association de Secours Palestinian (ASP), Interpal, the Palestinian Association in Austria (PVOE) and the Sanabil Association for Relief and Development. ... The rest of the world, particularly Europe (until recently) and countries in the Persian Gulf, view the political/charitable wing of HAMAS differently from its so-called military wing. In our view this is pure sophistry. We have advocated forcefully throughout the world that this distorted view of HAMAS should end. ... We think it is critical that governments move now to stop the flow of funds to HAMAS, a terrorist organization that has the conceit and audacity to proclaim with pride that it is sends suicide bombers onto buses and into public plazas to kill innocents with the aim of destroying any chance for progress toward peace between the Israelis and Palestinians. Funds flowing to HAMAS fuel this terror. Again, we think if you stop the money, you go a long way toward stopping the terror. No matter how terrible the plight of the Palestinian people, there can be no justification for the killing of innocents. In our view, toleration of such terror by anyone is nothing short of complicity.

3. UBS's Connection to ASP

69. ASP maintains account number 243-GO531316.0 at UBS.

70. In response to the OFAC designation, in denying that it was linked to terrorism, ASP publicly admitted that it maintained an account at UBS, and that money from the account was sent to the West Bank.[7]

4. UBS Transfers on ASP's Behalf

71. During the relevant time period, UBS transferred funds to institutions that belong to HAMAS's financial infrastructure in the PACT, including many entities declared unlawful by the Government of Israel. The Palestinian Authority had also publicly acknowledged several of these entities as sources of HAMAS financing.

72. Despite ASP's designation as an SDGT by the U.S. government, on multiple occasions subsequent to ASP's designation on August 22, 2003 and prior to the January 29, 2004 Bus 19 Attack in which Plaintiffs' husband and father, Stuart Scott Goldberg, was

[7] *See* Schweizerische Depeschenagentur AG (SDA), August 23, 2003, "Development Near East A Swiss NGO suspected by Washington of Finance Hamas."

murdered, UBS transmitted funds on behalf of its SDGT client ASP to HAMAS controlled entities.

73. On October 3, 2003, UBS transferred on ASP's behalf 20,000 CHF (Swiss Franc) (approximately $15,185) to the Tulkarem Zakat Committee.

74. On October 24, 2003, UBS transferred on ASP's behalf 5,000 CHF (approximately $3,805) to the Tulkarem Zakat Committee.

75. On January 8, 2004, UBS transferred on ASP's behalf 6,720 CHF (approximately $5,420) to the Tulkarem Zakat Committee.

5. The Tulakarem Zakat Committee

76. As noted above, among the institutions that UBS has transferred money to on its client ASP's behalf is the Tulkarem Zakat Committee. The Tulkarem Zakat Committee is specifically identified as a HAMAS controlled organization by the United States Government in the 2004 criminal indictment of Holy Land Foundation for Relief and Development in the Northern District of Texas.

77. The Tulkarem Zakat Committee was founded in 1981. It is one of the HAMAS civilian infrastructure's most prominent West Bank institutions.

78. Documents captured during the Israeli Military's Operation Defensive Shield in April 2002 and February 2004 show that the Tulkarem Zakat Committee does not limit itself to humanitarian and social activities, but also serves the terrorist apparatus, principally that of HAMAS's operational-terrorist wing as part of its worldwide support system.

79. The Tulkarem Zakat Committee is headed by Housni Hasan Husein al-Khawajaha, a HAMAS terrorist. Other prominent members of the committee include Bilal Khamis Yusuf Abu Safira and Sheikh Amar Tawfiq Ahmad Badawi. Khaled Mashal, the head

of HAMAS in Damascus Syria has identified Bilal Safira as a HAMAS senior activist. Sheikh Badawi has appeared in public in the name of HAMAS.

80. The Government of Israel declared the Tulkarem Zakat Committee an "unlawful organization" in February 2002 because of its connection to HAMAS. The designation of the Tulkarem Zakat Committee as an unlawful organization was promulgated by the Israeli government in the Announcements and Advertisements Gazette, the official publication for such announcements. When a designation is promulgated in the Announcements and Advertisements Gazette, under Israeli law, such promulgation constitutes formal notice to all financial institutions licensed by Israel.

81. As previously mentioned, upon information and belief, UBS was a licensed financial institution in Israel prior to February 2002 and constructively received notice of all designations promulgated by the Israeli Ministry of Defense in connection with unlawful organizations.

82. UBS conducted all of the transfers identified above despite the fact that the Government of Israel, a country in which UBS had been doing business in for several years, had publicly identified the Tulkarem Zakat Committee as an unlawful organization more than a year and half prior to UBS transferring the money to the Tulkarem Zakat Committee and over two month after the United States government has designated ASP an SDGT.

THE DEFENDANT'S CONDUCT

83. At all relevant times, UBS maintained an account for ASP in Switzerland and provided HAMAS with material support in the form of financial services.

84. As alleged above, ASP is a pivotal part of HAMAS's fundraising infrastructure and a significant source of HAMAS's financing, and at all relevant times UBS knew (and

knows) this.

85. UBS knowingly continued to maintain accounts for ASP and provide financial services to HAMAS even though ASP was designated an SDGT by the U.S. government.

86. UBS also knowingly transferred significant sums of money to HAMAS-controlled entities both prior to and subsequent to their designation by the Government of Israel as unlawful.

87. UBS has transferred significant sums of money to HAMAS-controlled entities declared unlawful by the Government of Israel even after the United States Treasury Department designated ASP an SDGT.

88. By knowingly providing valuable financial services to HAMAS, UBS has provided material support (as material support is defined in 18 U.S.C. § 2339A(b)) to an FTO, and has provided substantial assistance to HAMAS in the commission of acts of international terrorism in Israel, including the terrorist attacks that injured the Plaintiffs.

89. UBS's provision of financial services to HAMAS violated both the criminal provisions of 18 U.S.C. §§ 2339B and 2339C, and gives rise to civil liability under 18 U.S.C. § 2333(a) as set forth below.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

AIDING AND ABETTING THE MURDER OR ATTEMPTED MURDER OF UNITED STATES CITIZENS OR CAUSING THE COMMISSION OR ATTEMPTED COMMISSION OF PHYSICAL VIOLENCE UPON UNITED STATES CITIZENS IN VIOLATION OF 18 U.S.C. § 2332(a); 18 U.S.C. § 2332(b); 18 U.S.C. § 2332(c); AND 18 U.S.C. § 2333(a)

90. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

91. Plaintiffs have been injured in their person by reason of acts committed by HAMAS that involve violence and are dangerous to human life and that violate the criminal laws of the United States, including the prohibition on killing, attempting to kill, causing serious bodily injury or attempting to cause serious bodily injury to U.S. citizens as set forth in 18 U.S.C. § 2332.

92. The acts of HAMAS in killing and attempting to kill U.S. nationals and other persons were intended to: (a) intimidate or coerce the civilian population of Israel; (b) influence the policy of the Government of Israel by intimidation or coercion; and (c) affect the conduct of the Government of Israel by mass destruction and murder.

93. The acts of terrorism set forth herein are extreme and outrageous and were committed with the intention to cause extreme physical pain and suffering to any and all persons within close proximity of the attacks and extreme emotional distress to the family members of those who were killed or injured by reason of the acts.

94. The financial services that the defendant knowingly provided to HAMAS by collecting and transmitting funds on HAMAS's behalf (with the knowledge that ASP fundraises funds for HAMAS) assists HAMAS in its recruiting, rewarding, and providing incentives to suicide bombers and other terrorists. These financial services facilitate acts of terrorism in violation of 18 U.S.C. § 2332 that have caused injuries to the Plaintiffs.

95. UBS knew and knows that it has provided material support to HAMAS, an FTO, and that HAMAS commits horrific terrorist attacks of the kind that have maimed and murdered American citizens such as Plaintiffs.

96. By aiding and abetting violations of 18 U.S.C. § 2332 that have caused each of the Plaintiffs to be injured in his or her person and property, the defendant is liable pursuant to

18 U.S.C. § 2333(a) for any and all damages that Plaintiffs have sustained as a result of such injuries.

SECOND CLAIM FOR RELIEF

COMMITTING ACTS OF INTERNATIONAL TERRORISM IN VIOLATION OF 18 U.S.C. § 2339B(a)(1) AND 18 U.S.C. § 2333(a)

97. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

98. By knowingly providing financial services to HAMAS, the defendant has provided material support to an FTO under the AEDPA in violation of 18 U.S.C. § 2339B(a)(1).

99. At all relevant times, Defendant knew and knows of HAMAS's terrorist activities.

100. At all relevant times, Defendant knew and knows that HAMAS was designated an FTO by the U.S. Government.

101. No later than August 22, 2003 Defendant knew the nature and identity of ASP and its connection to HAMAS, and nonetheless continued to provide financial services to HAMAS.

102. By knowingly providing material support to a designated FTO, Defendant is civilly liable for damages to the Plaintiffs for their injuries pursuant to 18 U.S.C. § 2333(a).

THIRD CLAIM FOR RELIEF

COLLECTING AND TRANSMITTING FUNDS ON BEHALF OF A TERRORIST ORGANIZATION IN VIOLATION OF 18 U.S.C. § 2339C and 18 U.S.C. § 2333(a)

103. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

104. Defendant has willfully and unlawfully provided financial services to HAMAS, by collecting, receiving, transmitting, and providing funds with the knowledge that such funds

have been, and will be, used, in part, to facilitate acts intended to cause death or serious bodily injury to civilians such as the victims of the terrorist acts described in this complaint.

105. The terrorist acts committed against the Plaintiffs were intended to: (a) intimidate or coerce the civilian population of Israel; (b) influence the policy of the Government of Israel by intimidation or coercion; and (c) affect the conduct of the Government of Israel by mass destruction and murder.

106. The Defendant was at all relevant times aware of HAMAS's terrorist activities and the fact that it was transferring millions of dollars to entities controlled by HAMAS.

107. Therefore, Defendant is liable to each of the Plaintiffs who have suffered injuries to their person and property by reason of such acts under 18 U.S.C. § 2333(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

(a) Enter judgment against the defendant and in favor of each Plaintiff for compensatory damages in amounts to be determined at trial;

(b) Enter judgment against the defendant and in favor of each Plaintiff for treble damages pursuant to 18 U.S.C. § 2333(a);

(c) Enter judgment against the defendant and in favor of each Plaintiff for any and all costs sustained in connection with the prosecution of this action, including attorneys' fees, pursuant to 18 U.S.C. § 2333(a);

(d) Enter an Order declaring that the defendant has violated, and is continuing to violate, the Antiterrorism Act, 18 U.S.C. § 2331 et seq.; and

(e) Grant such other and further relief as justice requires.

JURY DEMAND

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated: January 28, 2008
Oradell, New Jersey

OSEN LLC

By [signature]

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